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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 14 AUG 2001

WIPO

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Applicant's or agent's file reference 6727/2G687-WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/IL99/00434	International filing date (day/month/year) 05 AUGUST 1999	Priority date (day/month/year) 07 AUGUST 1998
International Patent Classification (IPC) or national classification and IPC IPC(7): A61F 13/15, 13/20 and US Cl.: 604/393,396		
Applicant [GILOH, TAMAR] <i>Tamicare Ltd.</i>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 06 MARCH 2000	Date of completion of this report 13 JULY 2001
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer <i>Jamie Sue Webb</i> JAMISUE WEBB Telephone No. (703) 308-1148

I. Basis of the report**1. With regard to the elements of the international application:***☒ the international application as originally filed☒ the description:pages 1-4 , as originally filedpages NONE , filed with the demandpages NONE , filed with the letter of _____☒ the claims:pages 5-6 , as originally filedpages NONE , as amended (together with any statement) under Article 19pages NONE , filed with the demandpages NONE , filed with the letter of _____☒ the drawings:pages 1-5 , as originally filedpages NONE , filed with the demandpages NONE , filed with the letter of _____☒ the sequence listing part of the description:pages NONE , as originally filedpages NONE , filed with the demandpages NONE , filed with the letter of _____**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**☐ contained in the international application in printed form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.**4. ☒ The amendments have resulted in the cancellation of:**☒ the description, pages NONE☒ the claims, Nos. NONE☒ the drawings, sheets/fig NONE**5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).****

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/IL99/00434

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement**1. statement**

Novelty (N)	Claims	<u>8, and 18-22</u>	YES
	Claims	<u>1-7, 9-17</u>	NO
Inventive Step (IS)	Claims	<u>8 and 20</u>	YES
	Claims	<u>1-7, 9-19, and 21-22</u>	NO
Industrial Applicability (IA)	Claims	<u>1-22</u>	YES
	Claims	<u>NONE</u>	NO

2. citations and explanations (Rule 70.7)

Claims 1 and 13 lack novelty under PCT Article 33(2) as being anticipated by Van TILBURG (US 4,589,876).

Van Tilburg discloses an integrally formed undergarment (10) with a liquid impermeable backsheet (18) an absorbent pad (16) that extends downward from crotch, along the thigh of the wearer (see Figure 11).

Claims 1, 5-7, 9-10, 12, and 16 lack novelty under PCT Article 33(2) as being anticipated by CLARKE et al. (5,149,336).

With respect to Claims 1, 5, 9-10, 12 and 16: Clarke discloses a bra with integrally formed breast pads (12,14) with a moisture resistant outer layer (column 4, lines 27-29), an absorbent pad being made from cotton (24, column 5, lines 61-65) and bonded to the outer cover (column 7, lines 24-26).

With respect to Claims 6 and 7: Clarke discloses the outerlayer being made from a light plastic or rubber latex (column 6, lines 62, latex and silicone rubber are the same material, they are synonyms for each other).

Claims 1-5, 9, 11, and 14-17 lack novelty under PCT Article 33(2) as being anticipated by IGAUE et al. (Re. 35,687).

Igaue discloses an integrally formed undergarment of the pants type (see abstract) with a liquid impermeable backsheet (13), an absorbent core (14), with a first portion having vent holes (15), a second portion being impermeable to fluids, containing the absorbent pad and extending beyond the absorbent pad (see Figures 2-5).

Claims 18-19, and 21-22 lack an inventive step under PCT Article 33(3) as being obvious over IGAUE et al. (Re. 35,687) in view of CLARKE et al. (US 5,149,336).

Igaue, as disclosed above, teaches the use of an absorbent (Continued on Supplemental Sheet.)

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):

core comprising fluff pulp, but fails to specifically disclose the use of cotton fibers, that is attached to the impermeable material. Igaue also fails to teach the use of the liquid impermeable material being made from latex or silicone rubber.

Clarke et al teaches the use of the liquid impermeable cover layer being made from latex rubber (column 6, lines 62, latex and silicone rubber are the same material, they are synonyms for each other), and teaches the use of an absorbent core being made from a mixture of cotton fibers and gelling agents and adhered to the impermeable cover (24, column 5, lines 66-68; column 7, lines 24-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the cover and the core of Igaue to be made of the materials and bonded together as disclosed by Clarke, in order to have the outercover not make a rustling or crinkling noise when flexed or deformed, to have the absorbent core only expend a small amount upon the addition of fluid, therefore reducing the possibility of showing through the wearer's garment, and to prevent extraneous movement of the absorbent layer. (See Clarke, column 6-7).

Claims 8 and 20 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest the undergarment body having a thickness about 10 microns.

----- NEW CITATIONS -----

NONE